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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,776	09/28/2001	Richard Johnson	10407/518	5084

30076 7590 10/22/2003

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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/966,776

Applicant(s)

JOHNSON, RICHARD

Examiner

James O. Hansen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 4,12,20,25,26,28-32 and 35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-11,13-19,21-24,27,33 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 29, 2003 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-3, 5-11, 13-19, 21-24, 27 & 33-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claims 1-3, 9-11, 17-19, 27 & 33-34, it is unclear as to whether the applicant is claiming a "gaming machine" in combination with the top box. The preamble does not specifically claim a gaming machine, e.g., "top box for a gaming machine" but further down in the claim there appears to be a positive recital of structure (lines 5-6, "the wiring operatively connects top box components to a gaming machine on which the top box is positioned") indicating that the combination could possibly be positively claimed. Applicant is required to clarify the disclosed claimed material, making the language of the claims consistent with applicant's intent. In Claims 5, 13, & 21, the phrase "the

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frame" does not have a proper antecedent basis. Consequently, the remaining claims are rendered indefinite because they are dependent upon a rejected claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-11, 13-19, 21-24, 27 & 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson [U.S. Patent No. 5,568,362] in view of Masters [U.S. Des. Patent No. 251,464]. The examiner has taken the position that the combination is not being claimed i.e., the invention is solely directed to the top box. Hansson (figures 1-5) teaches of a "top box" cabinet (figs. 1-2) comprising: a substantially hollow interior (fig. 2), the box including a door (12a or 13) having a display panel (transparent panel or opaque panel); wiring (18) located at least partially within the box; and a hinge (28 e.g.,) attaching the doors to side portions of the housing. The box further comprising means (such as 25, 26) for preventing water from passing between the door and the housing. The door (13) further comprising a lip (note fig. 2) at least partially circumscribing the door so that the lip prevents liquids from passing between the door and the housing. The top box being secured via a lock (33 or a padlock as described in the specification). Hansson teaches applicant's inventive claimed structure substantially as claimed, but does not show the door(s) as being non-rectangular. However, Masters (figures 1-6) teaches of a cabinet

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incorporating a non-rectangular door hinged to a side portion of the housing (fig. 1) in an analogous art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify or vary the door design of Hansson so as to employ a non-rectangular door as taught by Masters because this arrangement could offer an enhanced aesthetic appeal [by exhibiting a "less-boxy" cabinet structure] to those viewing the structure while maintaining the functional aspects of the structure. Additionally, the use of a non-rectangular door is viewed as an obvious matter of design choice. Since applicant has not disclosed that this type of door shape solves any stated problem or is for any particular purpose, it appears that any shaped door would perform equally well as a means to display and restrict access within the structure.

6. Claims 1-3, 9-11, 17-19, 27 & 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levy [U.S. Des. Patent No. 383,802] in view of Masters [U.S. Des. Patent No. 251,464]. The examiner has taken the position that the combination is not being claimed i.e., the invention is solely directed to the top box. Levy (figures 1-6) teaches of a "top box" cabinet (fig. 1) comprising: an inherently hollow interior, the box including a non-rectangular door (frontal portion of the box) having a display panel (viewed as a translucent panel common in the art); and inherent wiring located at least partially within the box to connect to components typically located within the box. Levy teaches applicant's inventive claimed structure as disclosed above, but does not specifically show the door as being hinged [i.e., having hinges]. However, Masters (figures 1-6) teaches of a cabinet incorporating a non-rectangular door and hinged to a side portion of the housing (fig. 1) in an analogous art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify or

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vary the box structure of Levy so as to incorporate hinges on the door/housing as taught by Masters because this arrangement would provide Levy with a means for easily opening and closing the door without detaching the door from the housing in order to access the box's interior.

7. Claims 5-8, 13-16 & 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levy in view of Masters and further in view of Hansson. The prior art teaches applicant's inventive claimed structure as disclosed above, but does not show the door as having a means for preventing liquids from passing between the door and the housing i.e., a lip or show a lock securing the top box. However, Hansson as pointed out earlier teaches the use of a door having a partially circumscribing lip and a lock for securing the box in an analogous art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the door of the prior art so as to incorporate a lip and provide the box with a lock as taught by Hansson because the addition of the lip would help to seal the door to the housing when in a closed position, while the lock would secure the door to the housing when in the closed position thereby preventing unauthorized access to the interior of the box.

Response to Arguments

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

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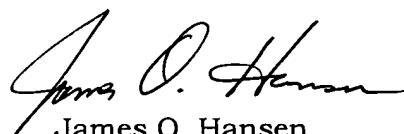
Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McGahn et al., Criss-Puszkiewicz et al., Legras et al., and Bennett describe top boxes for gaming machines. Friedman describes a top box cabinet with wiring connected to adjacent cabinet structures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 703-305-7414. The examiner can normally be reached on Mon.-Fri. 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
October 17, 2003